

## REMARKS/ARGUMENTS

Claims 1-4, 6-8, 19, 21-25 and 27-34 are pending in the application. Claims 5, 9-18, 20 and 26 were previously cancelled. Claims 1-4, 6-8, 19, 21-25 and 27-34 stand rejected. Through this Response, claims 1-4, 6-8, 19, 25 and 27-34 have been amended. As explained in more detail below, Applicants submit that 1-4, 6-8, 19, 21-25 and 27-34 are in condition for allowance and respectfully request such action.

### Rejections under 35 U.S.C. 103

Claims 1-4, 6-8, 19 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueno et al. (US 6438596) and Wahl (US 5898456) in view of Enoki (US 5873085). Applicants respectfully request reconsideration and withdrawal of the rejection.

As noted in the Applicants' Response dated November 7, 2008, neither Ueno nor Wahl, whether taken alone or in combination, teach, disclose, or suggest the manager as recited in the claims. For example, as set forth in independent claim 1:

the manager, in response to a frequently requested video asset becoming infrequently requested, selects one of the head-ends to store the infrequently requested video asset and provides the infrequently requested video asset to the selected at least one of the head-ends ***for storage in the respective secondary storage partition*** of the at least one of the head-ends selected to store the infrequently requested video asset.

(Claim 1, emphasis added). Applicants respectfully submit that this feature is not taught, disclosed, or suggested by the new reference, Enoki. Specifically, the passage of Enoki cited by the Office Action relates to a "duplication/deletion management section" (referred to as element 1102). According to the teachings of Enoki, the files are not transmitted (such as from a primary to a secondary partition) upon being deemed infrequently requested. Rather, the system of Enoki makes it "possible to *delete copies* of a file that was previously frequently accessed but is currently infrequently accessed. This ...provides the effect of reducing wastage of storage space." (Enoki, Col. 34, lines 40-44; see also Col. 29, line 65 – Col. 30, line 1, stating that the system's function is to "delet[e] copies of real data if multiple copies of the real data are managed in the system through

its virtual file identifier is infrequently accessed.”). In this regard, Enoki teaches away from using the bandwidth and storage space to transmit and subsequently store the infrequently requested assent on a secondary storage partition as recited in the rejected claims.

For at least this reason, Applicants respectfully submit that Enoki does not teach, disclose, or suggest the subject matter of independent claims 1 and 19. Claims 2-4, 6-8, and 21-24 ultimately depend from claims 1 or 18, and are allowable for at least the same rationale. Applicants therefore, respectfully request reconsideration and withdrawal of the rejection in regards to claims 1-4, 6-8, 19 and 21-24.

Claims 25 and 27-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueno et al. (US 6438596), Wahl (US 5898456) and Enoki (US 5873085) in view of Sato (US 6173328). Applicants respectfully request reconsideration and withdrawal of the rejection.

The Office Action states that claim 25 “is analyzed as previously discussed with respect to [claims 1 and 4].” (Office Action dated February 3, 2009, page 9). As discussed above, Applicants respectfully submit that claims 1 and 4, and therefore claim 25 under the Examiner’s admission, are not taught, disclosed, or suggested by any of the art of record, either individually or in combination. For at least this reason, Applicants respectfully request reconsideration and withdrawal of the rejection.

Moreover, Applicants respectfully submit that the art of record fails to teach, disclose, or suggest the specific arrangement of a plurality of head-ends where each head-end includes “a server” or “a storage” as recited, nor does it teach, disclose or suggest a “manager” where the manager comprises a content manager, a stream session manager, and a content session manager. For at least this reason, Applicants respectfully submit that the art of record, either individually or in combination, fails to teach, disclose, or suggest the subject matter of independent claim 25.

Because claims 27-34 ultimately depend from claim 25, Applicants respectfully submit that claims 27-34 are allowable for at least the same reasons. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

### **CONCLUSION**

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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